IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF NOVEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 24011 of 2005

Between:

M/s.Taunk Starch Industries,

Rep by its Proprietrix: T.Heamalatha

..... PETITIONER

AND

Chief Engineer, Electricty Operation,

Office of the Managing Director,
E.P.D.C.L., Visakhapatnam, Vizag District

And 2 others

.....RESPONDENTS

ORDER:

Seeking a Mandamus, declaring the action of the respondents in not disposing of petitioner's appeal dated 04.06.2002 along with stay petition against the orders of the Superintendent Engineer dated 26.03.2002, as illegal and arbitrary, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned standing counsel for the respondents.

It is stated that the petitioner Industry was having a service connection bearing No.19255, and on the allegation that the petitioner Industry committed theft of energy by tampering metre seals and causing loss to the department to a tune of Rs.2,52,653/-, the respondent department issued a show cause notice and also issued assessment order dated 26.03.2002. Against the said assessment order, the petitioner filed an appeal before the appellate authority in the month of June, 2002. It is further stated that to avoid the disconnection of service, the petitioner has also paid half of the demanded amount on 18.09.2001. It is further stated that a criminal case has been registered against the petitioner in CC.No.6/2002 on the file of the I Addl.Senior Civil Judge, Rajahmundry for the offence under Section 39 and 44 of the Indian Electricity Act and the same was ended in acquittal on 23.04.2004. It is further stated that the power supply to the petitioner Industry was disconnected on 13.10.2005 on the ground that there was no stay pending disposal of the appeal. Therefore, the petitioner filed an application on 18.10.2005 for grant of stay of disconnection of power supply. But the appellate authority has disposed of neither the stay application nor the appeal. The learned standing counsel appearing for the respondents submitted that the appeal is still pending on the file of the 1st respondent.

Having regard to the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition, with a direction to the

1st respondent to consider and dispose of the appeal filed by the petitioner, as expeditiously as possible, preferably within a period of
4 (four) weeks from the date of receipt of a copy of this order. Till such time, the respondents would not insist upon the petitioner for payment of remaining half of the assessment amount.

With the above observations, the Writ Petition is disposed of. No order as to costs.

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V.ESWARAIAH,J

Dated: 24.11.2005

Dsr